
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SUSAN CATLIN,

Plaintiff,

v.

SALT LAKE CITY SCHOOL DISTRICT, et
al.,

Defendants.

MEMORANDUM DECISION
AND ORDER

Case No. 2:08-cv-362-CW-PMW

Now before the court are two motions and an objection by Plaintiff Susan Catlin. The court will address these matters in turn below. In addressing these matters, the court keeps in mind that Ms. Catlin is acting *pro se*, and as such her “pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers.” *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir.1991). “At the same time, we do not believe it is the proper function of the district court to assume the role of advocate for the pro se litigant.” *Id.*

I. Objection to Judge Warner’s September 2009 R & R

The court will first address Ms. Catlin’s objections to Magistrate Judge Paul M. Warner’s September 9, 2009 report and recommendation (the “R & R”). The R & R recommended that a motion for judgment on the pleadings by Defendants Utah School Employees Association (“USEA”) and Geoffrey W. Leonard’s be granted.

This case was referred to Judge Warner under 28 U.S.C. § 636(b)(1)(B). Under that type of referral, a magistrate judge is provided with the authority to issue a report and recommendation on any of the dispositive matters listed in 28 U.S.C. § 636(b)(1)(A).

After a careful *de novo* review, which involved considering the underlying motions, Ms. Catlin's objections, as well as Judge Warner's October 15, 2009 order, the court concludes that Judge Warner's R & R is correct in all material respects. Ms. Catlin obviously feels strongly that she has been treated unfairly. The facts she alleges, however, do not support a conclusion that the conduct she complains about state a cause of action recognized by law. Accordingly, the R & R is APPROVED and ADOPTED as the order of this court. The motion by the USEA and Mr. Leonard for judgment on the pleadings is therefore GRANTED.

II. Motion for Reconsideration

Next, the court will address Ms. Catlin's motion for reconsideration and to supplement pleading. After carefully reviewing Ms. Catlin's pleadings in connection with this motion, the court DENIES this motion. Ms. Catlin fails to provide any additional facts that would support an inference that an amended complaint would state a cause of action.

III. Motion to Postpone Judgement and to Reconsider Denial of Leave to Amend

The court has reviewed Ms. Catlin's motion to postpone judgment and reconsider the court's denial of leave to amend. The court has carefully considered this motion, and DENIES it. Ms. Catlin fails to provide any additional facts that would support an inference that an amended complaint would state a cause of action.

CONCLUSION AND ORDER

For the foregoing reasons, the court ORDERS as follows:

the USEA and Mr. Leonard's motion for judgment on the pleadings (Dkt. No. 44) is GRANTED;

the R & R (Dkt. No. 86) is ADOPTED and APPROVED;

Ms. Catlin's motion for reconsideration (Dkt. No. 143) is DENIED; and

Ms. Catlin's motion for postponement and to amend (Dkt. No. 155) is DENIED.

DATED this 6th day of September, 2011.

BY THE COURT:



CLARK WADDOUPS

United States District Judge